

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CYDE MARIE ESTES,

Plaintiff,

v.

PROVIDENCE HEALTH &
SERVICES - WASHINGTON, d/b/a
PROVIDENCE ST. MARY
MEDICAL CENTER, and
d/b/a PROVIDENCE MEDICAL
GROUP SOUTHEAST
WASHINGTON NEUROSURGERY,
and JASON A. DREYER, D.O., and
JANE DOE DREYER, husband and
wife and the marital community
thereof,

Defendants.

NO. 4:21-CV-5042-TOR

ORDER GRANTING IN PART
DEFENDANT'S MOTION FOR
FEDERAL RULE OF EVIDENCE 502
ORDER

BEFORE THE COURT is Defendant Providence Health & Services –
Washington's Motion for FRE 502(d) Order. ECF Nos. 50, 51. This matter was
submitted for consideration without oral argument. The Court has reviewed the

ORDER GRANTING IN PART DEFENDANT'S MOTION FOR FEDERAL
RULE OF EVIDENCE 502 ORDER ~ 1

1 record and files herein and is fully informed. For the reasons discussed below,
2 Defendant's Motion is **GRANTED in part.**

3 **DISCUSSION**

4 Plaintiff opposes the motion for several reasons. First, Plaintiff contends the
5 Protective Order previously entered already covers inadvertent disclosure and
6 therefor is unnecessary. Second, Plaintiff contends the proposed order is over
7 broad, vague and attempts to predetermine the effect of any disclosure "inadvertent
8 or otherwise" without regard to the test set forth in the Rule. Finally, Plaintiff
9 opposes the order because it appears to be an attempt to further delay production of
10 documents.

11 To the extent an additional protective order would be redundant, there would
12 be no harm to either party. To the extent the proposed order is over broad, vague
13 and not in accordance with the Rule, the Court will fashion the Order to track the
14 language of the Rule. Entry of this Order should assist timely production of
15 discovery.

16 **ACCORDINGLY, IT IS HEREBY ORDERED:**

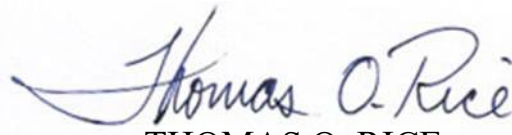
- 17 1. Pursuant to Federal Rule of Evidence 502(d) the attorney-client privilege
18 and the work-product protection "is not waived by disclosure connected
19 with the litigation pending before the court—in which event the
20 disclosure is also not a waiver in any other federal or state proceeding."

1 2. Each party to bear their own costs and expenses concerning this motion.

2 The District Court Executive is directed to enter this Order and furnish
3 copies to counsel.

4 DATED August 3, 2022.



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8 THOMAS O. RICE
9 United States District Judge
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